

**Applicant:** Henry Chavez

**Agent:** N/A

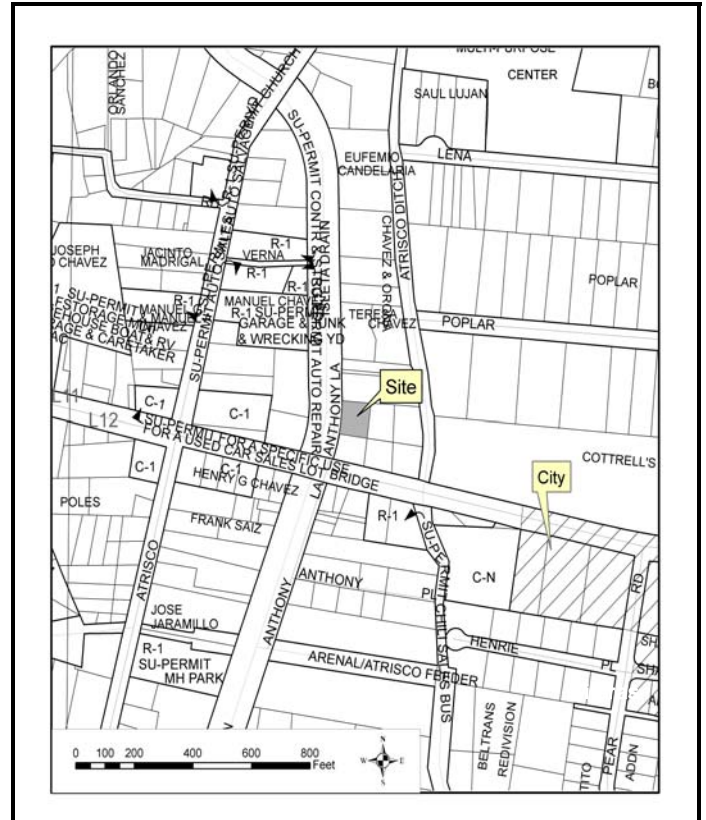
**Location:** 2119 Bridge Boulevard SW

**Property Size:** Approximately .49 acres

**Existing Zone:** R-1

**Proposed Request:** Special Use Permit for a Specific Use for R-2 Uses (Two Patio Homes/Townhouses)

**Recommendation:** Approval



**Summary:** The applicant is requesting a Special Use Permit for a Specific Use for Multiple Single Family Dwellings (two patio homes/townhouses) on a site located at 2119 Bridge Boulevard SW, on the north side of Bridge and east of Anthony Lane.

**Staff Planner:** Enrico Gradi, Program Planner

**Attachment:**

1. Application
2. Land Use and Zoning Maps
3. Site Plan (Commissioners Only)

Bernalillo County Departments and other interested agencies reviewed this application from 5-23-06 to 6-12-06.

Agency comments were used verbatim in preparation of this report, and begin on page 13.

**AGENDA ITEM NO.: 5**  
**County Planning Commission**  
**July 12, 2006**

CSU-60023      Henry Chavez requests approval of a Special Use Permit for a Specific Use for Apartments (patio homes/townhouses) on Tract 143B1A, MRGCD Map 42, located at 2119 Bridge Boulevard SW, on the north side of Bridge and east of Anthony Lane, zoned R-1, containing approximately .49 acres. (L-12) (DEFERRED FROM THE JUNE 7, 2006 HEARING)

**AREA CHARACTERISTICS AND ZONING HISTORY**  
**Surrounding Zoning & Land Uses**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	R-1	Vacant
<b>North</b>	R-1	Single Family Dwelling
<b>South</b>	R-1	Single Family Dwelling
<b>East</b>	R-1 with a Non Conforming Use for Apartments	Multiple Family Dwellings
<b>West</b>	R-1	Anthony Lane/Isleta Drain/Single Family Dwellings

**BACKGROUND:**

**The Request**

The applicant is requesting a Special Use Permit for a Specific Use for R-2 Uses for Multiple Single Family Dwellings on one legal lot of record. In this case, the applicant is proposing two patio homes on one lot. The patio homes are proposed as containing a common wall and a small courtyard area located within the walled area of the home.

Request Justification

The applicant states that this request is consistent with Resolution 116-86 in that this request is located in the Established Urban area of the Albuquerque/Bernalillo County Comprehensive Plan and Residential Area Five of the Southwest Area Plan which allow up to five and nine dwelling units per acre respectively.

**Surrounding Land Use and Zoning**

The subject site is vacant and is located adjacent to Anthony Lane. The property located south of the subject site is zoned R-1 and contains a single-family dwelling and several outbuildings. The parcel located north of the subject site is zoned R-1 and is vacant. The parcel located east of the subject site is also zoned R-1 and contains multi-family housing is legally non-conforming as to use. The property was developed prior to the establishment of Bernalillo County Zoning and contains five dwelling units located within an existing building. The building containing the multifamily dwellings may remain nonconforming until May 17, 2033 (ZNCU 50018). There are two parcels located west of the site, one is vacant and the other contains a single-family dwelling, both parcels are zoned R-1.

**APPLICABLE PLANS AND POLICIES:**

**Albuquerque/Bernalillo County Comprehensive Plan**

The site is located in the Established Urban Area as delineated in the Albuquerque/Bernalillo Comprehensive Plan. The principal Goal for the area of the Comprehensive Plan is to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas and lifestyles, while creating a visually pleasing built environment.

**Policy a** states that "The Established and Developing Urban Areas shall allow a full range of urban land uses, resulting in an overall gross density of up to five dwelling units per acre."

**Policy d** states that "The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources and resources of other social, cultural, or recreational concern."

**Policy g** states "Development shall be carefully designed to conform to topographical features and include trail corridors in the development where appropriate."

**Policy k** states that “Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation operations.”

**Policy l** states that “Quality and innovation in design shall be encouraged in all new development design shall be encouraged which is appropriate for the plan area.”

**Policy m** states that “Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.”

### **Air Quality**

The Goal is to improve air quality to safe guard public health and enhance the quality of life.

**Policy g** states “Pollution from particles shall be minimized.”

- “Use vegetation, landscaping and other erosion control techniques to minimize dust pollution especially from construction sites.”
- Modify the Development process manual to expand requirements for top soil disturbance permits and dust control plans for excavations greater than  $\frac{3}{4}$  acre; monitor and strictly enforce the existing regulations regarding airborne particulates.”

### **Southwest Area Plan (SWAP)**

The site is located in Residential Area Five of the Southwest Area Plan.

**Policy 26 (g)** allows a maximum residential density of nine dwelling units per net acre when city sewer services are available.

**Policy 30** states, “Standards for outdoor lighting shall be implemented to ensure that their use does not interfere with the night sky environment and unnecessarily adjacent properties.”

- a. Outdoor light poles within residential areas should not exceed sixteen (16) feet in height above existing grade; when mounted on buildings or structures, fixtures should not exceed twelve (12) feet from existing grade.
- b. Encourage landscaped areas within lots to break up large expanses of paved area and enhance pedestrian access.

**Policy 32** states... “Increase the visual character and quality of the streetscape and overall development by encouraging enhanced use of required perimeter walls.”

- a. Discourage long expanses of uninterrupted wall surface and encourage walls to be indented, offset, or in a serpentine form to avoid a tunnel effect.

**Policy 41** states..."Balance economic development and the quality of life for existing communities as well as for newly developed areas."

**Bernalillo County Zoning Ordinance**

**Resolution 116-86** defines criteria for evaluating a Zone Map changes and Special Use Permit applications.

The following policies for deciding zone map changes and Special Use Permit applications pursuant to the adopted Bernalillo County Zoning Ordinance.

- A. A proposed land use change must be found to be consistent with the health, safety and general welfare of the residents of the County.
- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.
- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan of other Master Plans and amendments thereto including privately developed area plans which have been adopted by the Board of County Commissioners.
- D. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
  - 1. An error in the original zone map.
  - 2. Changed neighborhood conditions, which justifies a change in land use or
  - 3. That a different use category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the Board of County Commissioners.
- F. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- H. A zone change request which would give a zone different from the surrounding zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
  - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
  - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable

for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

- I. A zone change request, which would give a zone different from the surrounding zoning to a strip of land along a street, is generally called a "strip zoning." Such a change of zone may be approved only when:
  1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
  2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

#### Section 18 Special Use Permit Regulations

- A. By Special Use Permit after receipt of a recommendation from the County Planning Commission, the Board of County Commissioners may authorize the location of uses in any one in which they are not permitted by other sections of this ordinance; the Extraterritorial Land Use Authority may likewise authorize the increase in height of buildings beyond the limits set fourth by sections of the zoning ordinance. With such permits, the Board of County Commissioners may impose limitations as it deems necessary:
  1. To ensure that the degree of compatibility of property uses which this section is intended to promote and preserve shall be maintained with respect to the special use on the particular site and consideration of existing and potential uses of property within the zone and the general area in which the use is proposed to be located.
  2. To ensure the proper performance standards and conditions are, whenever necessary, imposed upon uses which are, or which reasonably may be expected to become, obnoxious, dangerous, offensive or injurious to the health, safety, or welfare of the public, or a portion thereof, by reason of the emission of noise, smoke, dust, fumes, vibration, odor, or other harmful or annoying substances;
  3. To preserve the utility, integrity and character of the zone in which the use will be located, without adversely affecting adjacent zones; and
  4. To ensure that the use will not be or become detrimental to the public interest, health, safety, convenience, or the general welfare.
  5. The County Planning Commission must review the Special Use Permit and progress of development from the date of approval and each year thereafter until completion of the plan, and if needed make a recommendation to the Board of County Commissioners to continue or revoke the Special Use Permit.

Such Special Use Permits may authorize the following uses:

Section 18, Special Use Permit Regulations, of the Zoning Ordinance allows a property owner to request, and the BCC to authorize uses in any zone in which they are not otherwise permitted. Contractor's yard, Contractor's equipment storage, and Contractor's plant are one of those categories specifically called out in Section 18 as a Special Use Permit. The Commission, in approving such a request shall adopt additional requirements deemed necessary "...to safeguard the public welfare, safety, and health, morals, convenience, and best interest of the neighborhood, and adjoining property, the neighborhood, and the community."

Resolution 116-86 states the criteria for evaluating a requested zone change or Special Use Permit. The applicant must demonstrate that the existing zoning is inappropriate because of 1) an error in the original zone map; 2) changed neighborhood conditions which justifies a change in land use; or 3) that a different use category is more advantageous to the community as articulated in a County adopted plan.

**Section 19: Landscaping and Buffer Landscaping Regulations:**

Where a nonresidential zone which is hereafter developed for a business purpose abuts a residentially zoned property, special buffer landscaping is required to minimize noise, lighting and sight impact of the nonresidential activities in the residential area.

- A. Landscaping and buffer landscaping will be required in all zones for office, commercial, industrial, and multifamily residential uses; R-1, A-1, A-2 and M-H residential uses are exempt.
  - 1. Sites of one acre or less:
    - a. There shall be a landscaped setback along all streets of no less than ten feet.
    - b. There shall be a landscaped buffer of six feet between single-family residential uses and office, commercial, industrial, and multifamily residential uses.
    - c. Fifteen percent of all paved areas shall be landscaped. The landscaped setback shall contribute toward this requirement.
  - 2. Sites one acre and up to five acres. There shall be a landscaped setback along all streets of no less than 15 feet. All other requirements same as 1.b. and 1.c. above.
- B. In a nonresidential zone, a solid wall or a solid fence at least six feet high shall be erected on sides abutting a single family residential use, except for those sides abutting public right-of-way.
- E. Landscaping which dies shall be replaced by the property owner who is obligated to provide it as expeditiously as possible, but in no case longer than 30 days after notification.

If the 30-day period falls at a time of the year when planting of landscaping is inadvisable, a waiver may be granted by the Zoning Administrator to allow planting at the earliest possible time. The waiver and date of the planting deadline shall be recorded by the County Zoning Office.

G. Parking spaces within a parking lot shall be no more than 50 feet from a tree.

H. Nonconforming Landscaping. Premises which, when they were developed, were not required to be developed in accordance with the Landscaping and Buffer Landscaping Regulations Section of this ordinance, shall be made to conform with this regulation within two years due to the amendment of the map or text of this ordinance.

### **ANALYSIS:**

#### **Surrounding Land Use and Zoning**

The subject site is vacant and is located adjacent to Anthony Lane. The property located south of the subject site is zoned R-1 and contains a single-family dwelling and several outbuildings. The parcel located north of the subject site is zoned R-1 and is vacant. The parcel located east of the subject site is also zoned R-1 and contains multi-family housing is legally non-conforming as to use.

#### **Plans**

##### Albuquerque/Bernalillo County Comprehensive Plan

This site is located in the Established Urban Area as designated by the Albuquerque/Bernalillo County Comprehensive Plan.

Land use policy a states that the Established Urban Areas shall allow a full range of urban land uses, resulting in an overall gross density of up to five dwelling units per acre. Further, Policy d establishes that the location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources and resources of other social, cultural, or recreational concern. The proposed use appears to be of a character, which does not detract from the surrounding area nor impact the area with regard to the intensity of the use.

##### Southwest Area Plan (SWAP)

SWAP Policy 26 (g) allows a maximum residential density of nine dwelling units per net acre when municipal sewer services are available and was intended to include the area of the county which is covered by the Established Urban Area of the Comprehensive Plan. This area of the SWAP contains the most urban land uses.

#### **Zoning Ordinance**

Section 10, is the R-2 zone which permits a higher density of population than in one-family zones and still maintain a residential environment. Uses in this zone include apartments and multiple single family dwellings. Height Regulations state that structures may exceed 26 feet in height, but any portion of a structure which exceeds 26 feet in height may not exceed a



plane drawn at a 45 degree angle from the horizontal from the ground level of land zoned A-1, A-2, R-1, or M-H, which is unimproved or is improved with a conforming Permissive Use.

Resolution 116-86 states the criteria for evaluating a requested zone change or Special Use Permit. The applicant must demonstrate that the existing zoning is inappropriate because of 1) an error in the original zone map; 2) changed neighborhood conditions which justifies a change in land use; or 3) that a different use category is more advantageous to the community as articulated in a County adopted plan.

### Agency Comments

The Bernalillo County Office of Environmental Health states that both sewer and water are available to this site. In addition, The Public Works Division (PWD) states that this property is subject to the Bernalillo County code chapter 38, which requires a drainage submittal meeting the requirements of the drainage code. With regard to roadway, the road which accesses this site, Anthony Lane, is shown as a County maintained dirt road and is required to be paved with this development. All PWD required improvements to Anthony Lane shall be completed prior to site development and shall conform to the County Street Standards.

### Analysis Summary

Zoning	
Resolution 116-86	Resolution 116-86 requires that a land use change must clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan. The Albuquerque/Bernalillo County Comprehensive Plan Policy a states that "The Established and Developing Urban Areas shall allow a full range of urban land uses, resulting in an overall gross density of up to five dwelling units per acre."
Section 18.B. 32	The applicant has submitted support for this request
Plans	
Comprehensive Plan	The request attempts to address the goals of the Comprehensive Plan of encouraging The principal <u>Goal</u> for the area of the Comprehensive Plan offers variety and maximum choice in housing, transportation, work areas and lifestyles, while creating a visually pleasing built environment.
Area Plan	Policy 26 (g) of the Southwest Area Plan allows a maximum residential density of nine dwelling units per net acre when city sewer services are available. impact to the site appears to be rather low
Other Requirements	
Environmental Health	Water and wastewater systems meet current Ordinances.

Public Works	Public Works Division calls for improvement of Anthony Lane and a grading and drainage plan.

**Conclusion**

Based on Resolution 116-86 it does appear that the proposed request meets the requirement of facilitating revitalization of the Comprehensive Plan and the Southwest Area Plan. This request may be interpreted as consistent with Resolution 116-86 in that this land use is more advantageous to the community in that the goal for the Established Urban Area calls for a full range of urban land uses, resulting in an overall gross density of up to five dwelling units per acre and perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offer variety and maximum choice in housing.

Resolution 116-86 requires substantial neighborhood support for this request, a petition substantiating neighborhood support is included in the application.

**RECOMMENDATION:**

Approval of CSU-60023 based on the following Findings and Conditions.

Enrico Gradi  
Program Planner

## Findings

1. The request is for a Special Use Permit for a Specific Use for Apartments (patio homes/townhouses) on Tract 143B1A, MRGCD Map 42, located at 2119 Bridge Boulevard SW, on the north side of Bridge and east of Anthony Lane, zoned R-1, containing approximately .49 acres.
2. The request is consistent with Resolution 116-86 in that a Special Use Permit will act as a transition between adjacent zones, and the conditions of approval apply regulations that require the applicant to minimize impacts to adjoining properties.
3. This request is consistent with Resolution 116-86 in that the request is consistent with the Southwest Area Plan in that Policy 26 allows up to nine dwelling units per acre in Residential Area Three of the County.
4. The property is within the Established Urban Area as designated by the Albuquerque/Bernalillo County Comprehensive Plan.
5. This request has substantial neighborhood support.
6. This request is consistent with the health, safety, and general welfare of the residents of the County.

**Conditions**

1. Any site lighting shall be site-specific. Shielded or cutoff fixtures shall be provided so that no fugitive light crosses to adjacent lots.
2. A grading and drainage plan shall be submitted to the Public Works Division for review and approval before development commences. A copy of the approval shall be submitted to the Zoning, Building, Planning and Environmental Department.
3. Landscaping adjacent to residential properties shall consist of a combination of shade and evergreen trees, twenty-five (25) feet on center. Street trees and all other landscaping shall be maintained.
4. A six (6) foot landscape buffer shall be located parallel to the inside face of the wall and shall have a mixture of shade trees and evergreen trees to provide buffering at a minimum of twenty-five (25) feet on center.
5. Street trees shall be planted at thirty (30) feet on center along Anthony Lane.
6. The applicant shall comply with all applicable Bernalillo County ordinances and regulations.
7. The Special Use Permit shall be issued for the life of the use.
8. A revised site development plan consistent with the Conditions of approval shall be submitted for review and approval to the Zoning Administrator within two months after the final Board of County Commission approval.
9. The foregoing Conditions shall become effective immediately upon execution or utilization of any portion of the rights and privileges authorized by this Special Use Permit.

## **BERNALILLO COUNTY DEPARTMENT COMMENTS**

### Environmental Health:

Water and sewer is connected to the property with acct. 23030028.

### Zoning Enforcement Manager:

Must comply with all Bernalillo County Code regulations for this project.

No zoning violations on this property.

### Zoning Administrator:

#### **SITE PLAN COMMENTS**

##### 1. Area regulations

a. single structure with two separate dwellings meets front, rear and side yard setback requirements for underlying zoning, as well as comparable setbacks for apartment development (R-2)

b. no accessory structures proposed at this time; future construction or additions will require amendment to SUP prior to implementation (ZA level or CPC/BCC process)

##### c. density

Are community water and sewer services available to this site?

i. R-2 standards outline minimum density requirements for apartments (Sec. 10.C.5)

1. a floor area ratio of .5 is permitted if community water and sewer services are made available; otherwise

2. a minimum lot area of ? of an acre per dwelling unit is needed

##### 2. Parking

a. one parking space for each bathroom or fraction thereof provided in each dwelling is required, but in no case shall less than 2 spaces be provided (Sec. 21.A.5.)

i. the indicated 30-foot driveway (with proper surfacing) is long enough to meet the off-street parking space requirements, but is not wide enough. Either the site plan is not to scale or each driveway needs to be widened by six inches to meet the required 17-foot width to accommodate 2 parking spaces for each unit.

b. more parking spaces may be required depending on the total number of bathrooms for each unit

##### 3. Open space & landscaping

a. depending on the total number of bedrooms to be provided in each unit, usable open space is required (Sec. 10.F.1.)

i. 200 square feet for each efficiency or one bedroom dwelling unit

ii. 250 square feet for each two bedroom dwelling unit

iii. 300 square feet for each dwelling containing three or more bedrooms

- b. the proposed landscaping in the front yards of these units appears to meet the most restrictive open space requirements for area amount, but additional plantings and details are needed for the provided information
- i. living vegetation is required to cover at least 75% of the required open space/landscape area within 24 months; more plants are needed in order to meet this requirement
- ii. the type of irrigation system to be used needs to be specified
- iii. a statement is needed on the subsequent revised development plan noting the individuals responsible for the maintenance of the landscaping on the site
- iv. low-water use plants, trees and ground cover is strongly encouraged
- v. the applicant should be aware that if the request is approved, the landscaping plan is the governing document outlining the minimum necessary landscaping required to be on the site in order to be in compliance with the provisions of the SUP. More landscaping may be added to the site than is required on the plan, but in no case can the minimum amount of landscaping be removed or relocated on the site without prior review/approval from Bernalillo County.

#### COMMENTS RELATING TO THE USE

"Townhouses" is not a defined term in the Zoning Ordinance, but appears to correspond to the definition of "apartment" as outlined in Sec. 5.

Apartment. One or more structures containing two or more dwelling units each.

#### Building Department Manager:

Building permits will be required for the proposed patio homes.

#### Fire:

No comment recieved

#### Public Works:

##### DRAN:

1. This property is subject to the Bernalillo County code chapter 38. Prior to any development or additional development of this property a drainage submittal meeting the requirements of this code will be required.

##### DRE:

1. Anthony Lane is shown as a County maintained dirt road and shall be paved with this development. All BCPWD required improvements to Anthony Lane shall be completed prior to site development and shall conform to the County Street Standards.
2. An MRGCD license agreement shall be provided prior to site development.
3. An onsite shared access easement may be required.

#### Parks & Recreation:

No Comment

Sheriff's:

No comment recieved

**COMMENTS FROM OTHER AGENCIES**

MRGCOG:

No adverse comment

AMAFCA:

No adverse comment

City Public Works:

Transp. Planning:

No adverse comment

Transp. Development:

No adverse comment

Water Resources:

No adverse comment

City Transit:

No adverse comment

ABCWUA Utility Development Section:

No adverse comment

City Environmental Health:

No adverse comment

City Open Space:

No adverse comment

NM Department of Transportation:

No adverse comment

Albuquerque Public School:

No adverse comment

**NEIGHBORHOOD ASSOCIATIONS:**

South Valley Coalition of Neighborhoods

South Valley Alliance